

Ohio Legislation

THE UNICAMERAL LEGISLATURE

The apparent inability of state legislatures to deal effectively with the numerous serious problems which have confronted them in the past several years has given rise to a growing belief that there is an organic defect in existing state legislative machinery. It must be conceded that the extreme difficulty of the problems faced has contributed to a large degree to the lack of success which has greeted the efforts of the legislative branch of state government. There is, nevertheless, reason to believe that much of it has resulted from the peculiar structure of the state legislature.

An increasingly large group of people has arrived at the conclusion that the indecisive and wavering policy exhibited by state legislatures in the face of emergency is to a considerable extent the result of defects inherent in the bicameral form of legislature which can be remedied by the adoption of the unicameral form. It is the purpose of this paper to consider whether the bicameral system *in actual operation* supports the claims made for it, and to compare the findings with what the unicameral system has to offer.

The fundamental principle upon which the bicameral system is based is the doctrine of checks and balances. The second chamber had its origin in the necessity of giving the aristocracy a separate representation as a protection from the rule of the masses. Long after the reason for having a second chamber had ceased, it continued to flourish. Many of the American colonies copied the system from England. Advocates of the bicameral system justify the second chamber on theory that it gives representation to the conservative element and have likened it to a saucer into which the hot tea could be poured to cool. On the other hand, Benjamin Franklin, who was instrumental in making Pennsylvania's first legislature a unicameral one, characterized a bicameral legislature as "a legislative body divided into two branches drawn by one horse in front and one behind pulling in opposite directions."

Does a bicameral legislature in actual operation operate as a check and balance? A study of the New York legislature in 1910 (Colvin, "The Bicameral System in the New York Legislature") revealed that the lower house rejected only six per cent of the bills passed by the upper house and that the latter house rejected only fourteen per cent of the bills passed by the former. From this study the investigator concluded that it could scarcely be claimed that the bicameral system provides an effective check on hasty, ill-considered, and careless legislation. Similar conclusions were reached in a study of the Minnesota legislature in 1911 and of the California legislature in 1913. (See note p. 610 in Garner, "Political Science and Government"). A joint committee of the Nebraska legislature in 1914 reporting in favor of a unicameral legislature said, "In practice it has been found that the so-called 'check' between the two houses results in deadlocks and the absence of real responsibility which should be felt by the representatives of the people. Nothing is more common than for one house to pass a bill and for the mem-

bers who voted for it to urge the other house to defeat it, and for a small group of members in one house to hold up legislation for the other house until they extort from it what they demand." The unicameral system offers freedom from such undesirable practices.

The contention is made that the bicameral system fosters deliberation. Because of the enormous increase in business and the huge size of the membership of bicameral legislatures, the business as a matter of necessity is transacted by committees and what little deliberation can be found exists only in the committee rooms and in private conversation. As there is nothing more conducive to the enactment of good laws than deliberation, its absence is much to be regretted. It was stated by the Nebraska committee that "deliberation and reflection do not mark the work of a two-house legislature which passes most of its legislation in the last ten days of the session. A smaller body, with a more direct responsibility upon each member arising therefrom, will tend to a greater deliberation and reflection than the present system."

It is urged that a single chamber legislature will result in tyranny and despotism. There is very little danger, if any. As was pointed out by Mr. Barnett in his article on "The Bicameral System in State Legislatures" (*Amer. Pol. Sci. Rev.*, vol. 9:453), the federal constitution, particularly the fourteenth amendment, and the state constitution have imposed numerous restrictions which have grown marvelously at the hands of the courts through liberal interpretations of the restrictions and otherwise. The present legislature is but a shadow of its former self. Then too, many states now have the referendum which is added protection. Certainly with all these fetters chained to the feet of the legislature there is very little likelihood that it will overstep its proper bounds.

Many students of government advocate the unicameral plan. Dr. F. G. Goodnow, constitutional adviser to the president of China, recommended to the latter the establishment of a single chamber for the Chinese republic for the reason that having no aristocracy it needed no separate representation; hence, there was no real reason for two chambers. Professor Laski believes that a single chamber best answers the needs of a modern state. Mr. Lees-Smith also espouses the single chamber.

The greatest obstacle to the adoption of a single chamber (which can be expected) is the indifference of the public and the natural inclination of human beings to resist a change. This is evidenced by current editorials which would lead us to believe that it is something new and untried and that to adopt it would be to embark upon uncharted seas. Several of our states began with unicameral legislatures. The provinces of Canada, whose government is not much unlike that of our own, all have single chambers with the exception of Quebec and Ontario. Practically all the newer governments of Europe created since the war have a unicameral system. Though England theoretically still has a bicameral legislature, for practical purposes it is unicameral. In 1911 an act was passed virtually taking away the power of the House of Lords to defeat bills passed by the House of Commons. Unicameralism has passed beyond the stage of experimentation. In view of its successful operation elsewhere and its merits acclaimed by competent authority, Ohio need not hesitate in adopting a unicameral legislature.

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